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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,898	10/24/2000	Donald F. Gordon	19880-000610	3377

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EXAMINER

LEE, Y YOUNG

ART UNIT PAPER NUMBER

2613

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,898

Applicant(s)

GORDON, DONALD F.

Examiner

Y. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-15, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Egawa et al (5,534,944).

Egawa et al, in Figures 2-4 and 7, discloses the same system and method for inserting a second compressed video stream 2 into a first compressed video stream 1 as specified in claims 1-5, 7-15, and 17-21 of the present invention, comprising receiving the first compressed video stream; determining a profile AU1 for the first compressed video stream; encoding a second video in accordance with a particular encoding scheme AU2 to generate a second compressed video stream having a second encoding profile which matches the first encoding profile to within a requisite degree (Fig. 7C); controlling the encoding of the second video based at least in part on the profile of the first compressed video stream AU1 and splicing the second compressed video stream into the first compressed video stream to produce a spliced stream; wherein the requisite degree of matching between the second encoding profile AU2 and the first encoding profile AU1 is selected such that the spliced video stream can be decoded without producing visible artifacts on a display during or after a

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transition from a first compressed video stream portion of the spliced stream to a second compressed video stream portion of the spliced stream.

With respect to claims 2-5, 7-15, and 17-21, Egawa et al also discloses determining the profile for the second compressed video stream AU2; wherein the encoding of the second video is controlled such that a profile for the second compressed video stream AU2 is similar to the profile for the first compressed video stream AU1 at approximately a point in time when the second compressed video stream is spliced into the first compressed video stream (Fig 7); the encoding of the second video is further controlled such that the profile for the second compressed video stream AU2 is similar to the profile for the first compressed video stream AU1 at approximately a point in time when the first compressed video stream is spliced back into the second compressed video stream; initially multiplexing the first compressed video stream as an output video stream 110; multiplexing the second compressed video stream 112 as the output video stream at a point in time 118 when the inserting is to be achieved; splicing the second compressed video stream 112 to the first compressed video stream 110; pausing the first compressed video stream 110 for the time during which the second compressed video stream 112 is multiplexed as the output video stream 110'; receiving a second control signal indicative of a second time period (e.g. time stamps) within which the inserting is to be performed and initiating the encoding of the second video 112 in response to receiving the second control signal; buffering the second compressed video stream prior to the inserting 410; wherein the second video relates to an advertisement and the first compressed video stream relates to a program video

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HDTV; wherein the profile for the first compressed video stream AU1 includes a high, low and mean bit rate information (e.g.  $R_{\max}$ , 0, average) related to the first compressed video stream over a particular time period; the profile for the first compressed video stream further includes video buffering verifier buffer information VBV used for the encoding; and the second video is encoded in accordance with an MPEG encoding scheme.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-5, 7-15, and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

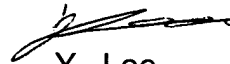
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee  
Primary Examiner  
Art Unit 2613

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